



MEMORANDUM

DATE: May 27, 2020
For June 11, 2020 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-20-01 Naifeh – 22nd Street
R-2 & C-2 to I-1 (Ward 5)

Issue – This is a request by Jeffrey A. Stanley of JAS Engineering, on behalf of the property owner, Mike Naifeh of NW22Kino LLC, to rezone approximately 1.45 acres from R-2 and C-2 to I-1 zoning. The rezoning site is located at the northeast corner of 22nd Street and Highland Avenue, just west of the Kino Parkway overpass (see Case Location Map). The preliminary development plan (PDP) proposes a single-story 16,100-square foot building, with a height of 30 feet, for general manufacturing, assembly, and warehouse uses.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of I-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: vacant, undeveloped land

Zoning Descriptions:

Existing Zoning:

Residence Zone (R-2) – This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

Commercial Zone (C-2) – This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Proposed Zoning:

Industrial Zone (I-1) – This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

Surrounding Zones and Land Uses:

North: Zoned I-1; industrial manufacturing and warehouse uses

South: Zoned R-2; Vacant land and multi-family residential

East: Zoned I-1; Kino Parkway and industrial manufacturing uses

West: Zoned C-2 and C-3; Commercial

Previous Cases on the Property:

C9-88-27 MYT Partners – 22nd Street, R-2 and B-2A (C-2) to I-1 This was a prior request to rezone the subject property to allow multi-use retail, warehousing and manufacturing uses. The Planning Department staff report, dated November 14, 1988 recommended approval of the rezoning subject to conditions. The Zoning Examiner public hearing was scheduled for December 8, 1988. However, the applicant requested the hearing be postponed and stated that a new rezoning application with a revised development proposal would be submitted by May 15, 1989. This revised application was never submitted and the case was closed on May 22, 1989. The existing R-2 and C-2 zoning remains in effect.

Related Cases:

C9-16-14 Air Concepts – 22nd Street, R-2, C-1, and C-3 to I-1 This was a rezoning request for 1.39 acres located on the northwest corner of 22nd Street and Cherry Avenue, just east of the Kino Parkway overpass to allow three buildings of 6,000 square feet each for general manufacturing. On June 20, 2017, Mayor and Council voted to authorize the rezoning. On May 21, 2019, the Mayor and Council adopted Ordinance No. 11650. The rezoning was effectuated with the issuance of building permit T19CM00632.

C9-14-05 Mar – Kino Parkway, R-2 to I-1 A rezoning request for approximately 0.88 acres located at the southeast corner of Kino Parkway and 14th Street to allow an 8,533 square foot, 24- foot tall building for the manufacturing of electronic components. On October 21, 2014, Mayor and Council voted to authorize the rezoning. Time for compliance with conditions of rezoning expired on October 21, 2019. The existing R-2 zoning remains in effect.

Applicant's Request – The applicant requests to rezone 1.45 acres to I-1 zoning for the purpose of constructing a building of 16,200 square feet, with a proposed height of 30 feet, for general manufacturing, assembly, and warehousing.

Planning Considerations – Land use policy direction for this area is provided by the *Greater South Park Area Plan (GSPP)*, *Subarea 2* and *Plan Tucson (PT)*. The rezoning site is located within a Mixed-Use Center as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-Use Centers combine a variety of housing options, retail, services, office, and public gathering places, located close to each other, providing occupants of the center and residents and workers in the surrounding neighborhoods with local access to goods and services. Public transit, bicycling, and walking will get priority in these areas, although cars will still play an important role. In this context, the proposed and existing industrial uses accommodate employment and support the mix of uses envisioned for the general area by *PT* on the Future Growth Scenario Map. *PT* policies support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. *PT* guidelines support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to the relevant site and architectural design guidelines. *PT* supports the retention and expansion of existing businesses and convenient public transit to serve employees.

Adjacent to the Southern Pacific Railroad and north of 22nd Street and east of Park Avenue, Subarea 2 of the *Greater South Park Area Plan* contains a mixture of uses and zones. Although the majority of land uses are commercial and industrial, there is also a small pocket of residential uses and zones in this subarea. With the Kino Boulevard alignment transecting this area and previous rezoning approvals for commercial and industrial uses, this subarea appears to be transitioning to more commercial and industrial uses. The policy section of the, *Subarea 2* supports additional light industrial uses. The goal of the *GSPP* is to guide future development while protecting and improving existing neighborhoods. It calls for reducing the travel time and distance between home and work, reducing transportation costs and energy consumption. It requires proximity to major streets and transportation corridors, adequate buffer areas to protect adjacent use, prohibition of industrial traffic through residential areas and access to existing or planned public transit routes. It also promotes the availability of industrial employment to people who are not able to expend the time or money necessary for a lengthy home-to-work trip. The proposed rezoning request from R-2 and C-2 to I-1 is supported by *PT* and *GSPP*.

The 1.45-acre rezoning site is comprised of ten parcels and is located at the northeast corner of 22nd Street and Highland Avenue. Nine of the ten parcels are currently zoned R-2, with a single C-2-zoned parcel, located in the southwest corner of the subject property, which is bounded by Kino Parkway on the east, 22nd Street on the south, and Highland Avenue on the west. Kino Parkway, a designated Gateway Route arterial, leads north to the University of Arizona, and to the south it provides access to Interstate 10 and the Tucson International Airport. The site is also located in close proximity to Aviation Parkway, with access to downtown and Davis-Monthan Air Force Base. The rezoning site is within an industrial business area, with surrounding development consisting of a mix of industrial, commercial, and residential land uses. To the east, across Kino Parkway, and to the north are a mix of commercial and industrial uses, zoned I-1. To the west of

the rezoning site across Highland Avenue are commercial uses in C-2 and C-3 zoning. Directly to the south across 22nd Street is vacant land, zoned R-2, with multi-family residential uses to the southwest of the site, also zoned R-2.

There is currently a billboard located on the site, at the northeast corner of 22nd Street and Highland Avenue. This billboard is required to be removed. Based on discussions between the property owner and the Billboard Review Committee, an agreement was reached to remove the billboard prior to issuance of either a grading permit or a building permit for any location on the site, or by no later than November 19, 2022, whichever date comes first. Verification of billboard removal, including termination of billboard lease agreement shall be provided to the tenant, with a copy submitted to Planning and Development Services Department by no later than August 1, 2021, if billboard has not already been removed by this date.

Design Considerations

Land Use Compatibility – The adjacent public rights-of-way and surrounding commercial, and industrial uses provide separation between the rezoning site and the nearest residential development, eliminating the potential for this project to create negative impacts on residential development. The adjacent rights-of-way also increase the visibility of the rezoning site and the proposed 30-foot tall building. Because of its high visibility from adjacent streets, and the designation of Kino Parkway as a Gateway Route, the design should establish a common theme for buildings and walls, rooftop mechanical equipment should be screened, and the roofline should include a variety of lines and planes to provide visual interest. Perimeter masonry screen walls should incorporate a design treatment with two or more materials like stucco, tile, brick, or similar material, in a visually interesting pattern. Dumpsters and outdoor storage should be screened from view with a masonry screen wall. Outdoor storage should not extend above the height of the screen wall.

Road Improvements/Vehicular Access/Circulation – Direct vehicular access to the rezoning site is proposed from 22nd Street and from Highland Avenue. Highland Avenue is a local street providing access to industrial uses to the north. The *Major Streets and Routes Plan* map designates 22nd Street as a major arterial street with a 120-foot cross section. The site is immediately adjacent to and west of the southbound off ramp for Kino Parkway, which is identified on the *Major Streets and Routes Plan* map as a Gateway Route arterial with a 150-foot cross section. The PDP depicts 23 vehicle parking spaces for the 16,100-square foot building. Per the *Unified Development Code*, one vehicle parking space is required for each 1,000 square feet of building area. The PDP demonstrates that parking requirements will be met. Dedication of right-of-way may be required along 22nd Street.

Conclusion – The proposed rezoning is consistent with, and supported by the *Greater South Park Area Plan* and *Plan Tucson*, which support industrial development at this location. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated January 17, 2020, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

BILLBOARD REMOVAL

8. The billboard located on the rezoning site shall be removed prior to approval of any grading permit or building permit on the site, or by November 19, 2022, whichever date comes first. The owner shall provide notice of the termination of any existing billboard lease to the tenant, with a copy provided to Planning & Development Services Department, including proof of delivery of notification by August 1, 2021, if billboard has not already been removed by that date.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-20-01 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-20-01.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-20-01.

Dated this _____ day of _____, 20____.

Owner:

(Name of Individual, Corporation, Partnership, or
LLC, as applicable)

Owner:

(Name of Individual, Corporation, Partnership, or
LLC, as applicable)

By:

(Signature of Owner or Authorized Representative, if
applicable)

By:

(Signature of Owner or Authorized Representative, if
applicable)

Its:

(Title of Individual Signing in Representative Capacity)

Its:

(Title of Individual Signing in Representative Capacity)

State of Arizona)
County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

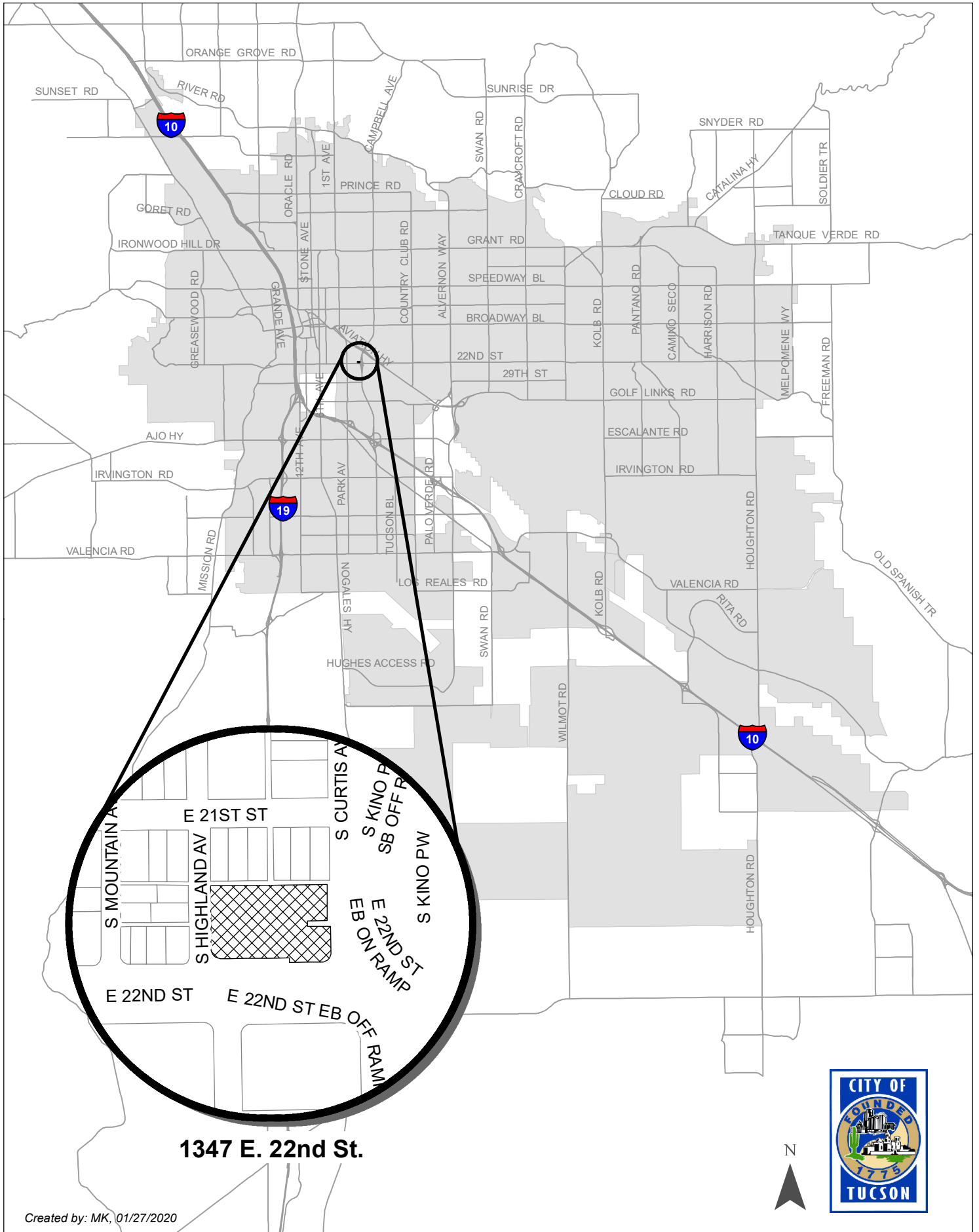
City of Tucson, an Arizona municipal Corporation:

By:

Planning & Development Services Department


This form has been approved by the City Attorney.

C9-20-01 Naifeh - 22nd St.
Rezoning Request: From C-2 and R-2 to I-1



C9-20-01 Naifeh - 22nd St.
Rezoning Request: From C-2 and R-2 to I-1



 Area of Rezoning (C-2 and R-2 to I-1)

Address: 1347 E. 22nd St.
Base Maps: Twp.14S Range 14E Sec. 18
Ward: 5

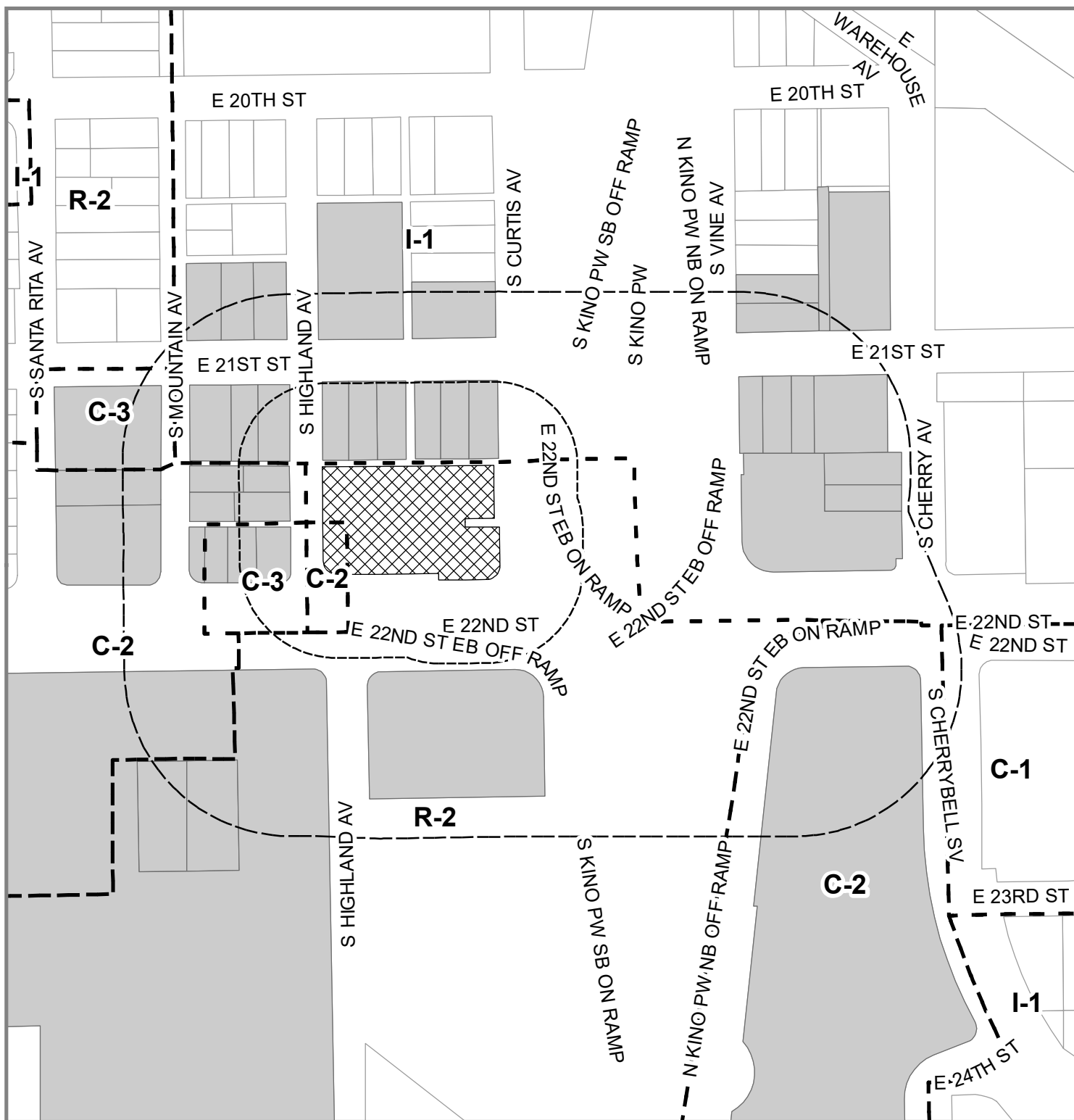


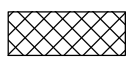
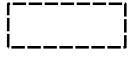
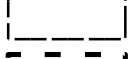

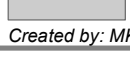
0 50 100 Feet
1 inch = 100 feet



C9-20-01 Naifeh - 22nd St.

Rezoning Request: From C-2 and R-2 to I-1

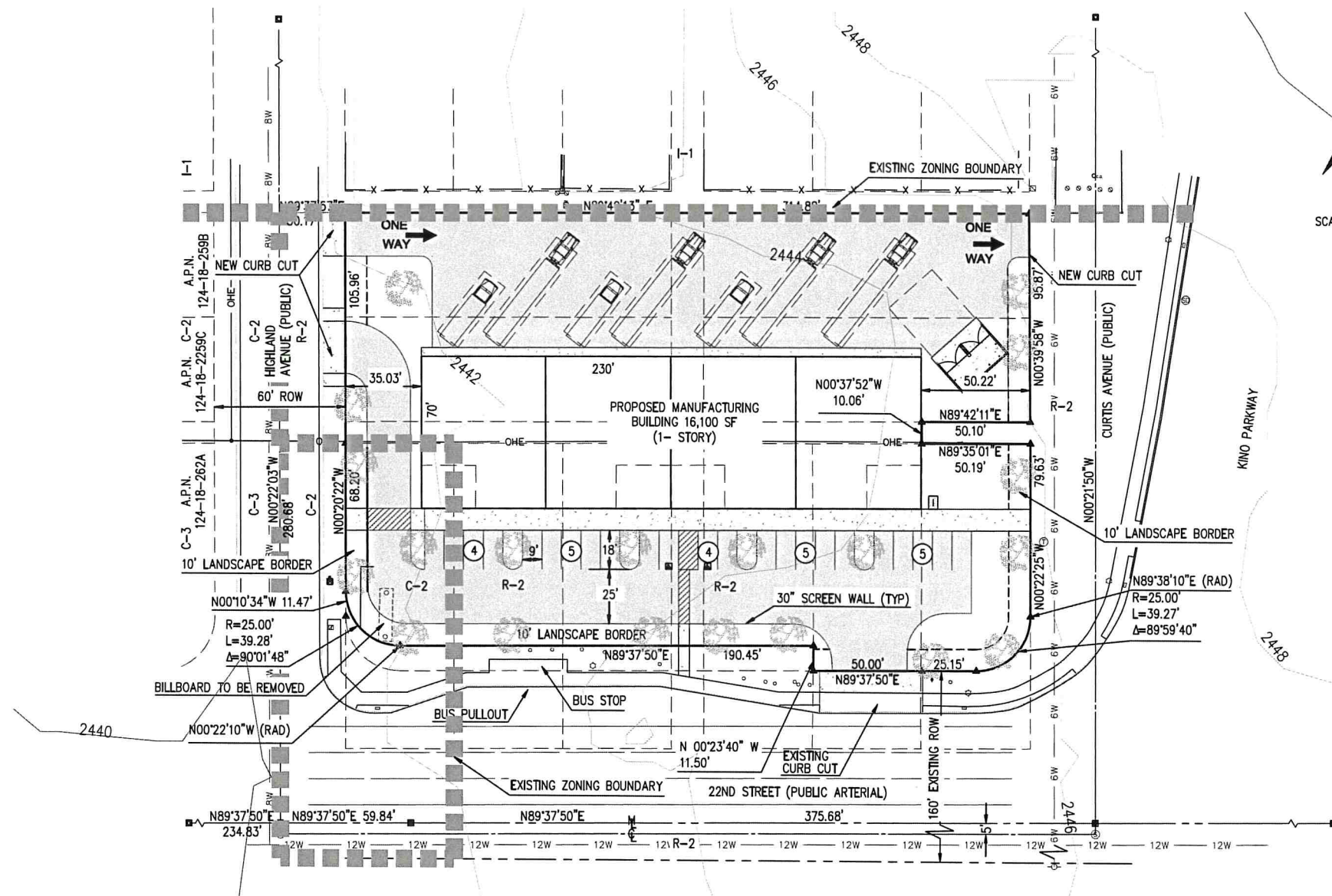


-  Area of Rezoning (C-2 and R-2 to I-1)
-  Protest Area (150 ft. Radius)
-  Notification Area (300 ft. Radius)
-  Zone Boundaries
-  Properties Notified

Address: 1347 E. 22nd St.
Base Maps: Twp. 14S R. 14E Sec. 18
Ward: 5

0 125 250 Feet
1 inch = 250 feet





NOTES

1. AREA OF SITE= 63,160 SF (1.45 AC).
2. EXISTING SITE ZONING IS C-2 AND R-2.
3. REQUESTED ZONING IS I-1.
4. PER FEMA MAP 04019C22792 (JUNE 16, 2011) THE SITE AND SURROUNDING AREAS ARE NOT WITHIN AN AE ZONE.
5. THERE ARE NOT ANY WATER COURSES SUBJECT TO ENVIRONMENTAL RESOURCE ZONE OR WASH ORDINANCE.
6. VEHICULAR PARKING REQUIRED: 1 SPACE PER 1,000 SF= 16
7. BIKE PARKING REQUIRED: SHORT TERM= 0
LONG TERM= 1 PER 15,000 SF= 1

PROPERTY OWNER

NW22KNO, LLC
6061 E. GRANT ROAD
TUCSON, ARIZONA 85712
ATTN: MIKE NAFFEN
520-247-6178

APPLICANT

JAS ENGINEERING
3650 N. ORACLE ROAD
TUCSON, ARIZONA 85705
ATTN: JEFFREY STANLEY
520-390-7920

PARCEL NUMBERS

124-18-272A, 273A, 274A, 275A, 276C, 277B, 278B,
279B, 280A AND 281A

Rezoning
Preliminary Development Plan
C9-20-01 Date 1/17/20
Planning & Development Services



 JAS ENGINEERING PO BOX 1888 TUCSON, ARIZONA 85702 (520) 390-7920 STANLEY19263@MSN.COM						
PRELIMINARY DEVELOPMENT PACKAGE FOR 22ND/HIGHLAND INDUSTRIAL T14S R14E SECTION 18 G&SRB&M TUCSON, ARIZONA						
EXP. 6-30-2019						
NO.	REVISION	DATE	DRWN BY	J.R.G.	DATE	1/2/2020
			DSGN BY	J.A.S.	JOB NO.	
			CHKD BY	J.A.S.	SCALE: H: 1"=30'	V: N/A



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) to approve the rezoning or special Exception ordinance. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: C9-20-01 Naifeh – 22nd Street, Rezoning from R-2 and C-2 to I-1 (Ward 5)

Property Owner(s) (PLEASE PRINT)

- ☐ APPROVE the proposed rezoning/special exception
☐ PROTEST the proposed rezoning/special exception

Reason:

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS

Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-20-01

Expose this flap - Affix stamp and return



City of Tucson
Planning and Development Services
Department - Entitlements Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-20-01

IMPORTANT LAND USE CHANGE NOTICE ENCLOSED